

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HECTOR SANTANA,

Petitioner,

-v.-

JAMES MANCE et al.,

Respondent.

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GABRIEL W. GORENSTEIN, United States Magistrate Judge:

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties are reminded that a United States Magistrate Judge is available to conduct all proceedings in this case, including but not limited to any decisions on motions, any jury or nonjury trial, and/or the entry of a final judgment. An appeal from a judgment entered by a Magistrate Judge shall be taken directly to the United States Court of Appeals in the same manner as an appeal from any other judgment of this district court.

Exercise of this jurisdiction by a Magistrate Judge is permitted only if all parties voluntarily consent. To determine whether the parties wish to voluntarily consent, the petitioner is directed to mail to counsel for the respondent on or before **November 29, 2007**, a copy of the attached consent form bearing either (1) a signature indicating consent to the Magistrate Judge conducting all proceedings in this matter or (2) a notation that the petitioner does not consent.

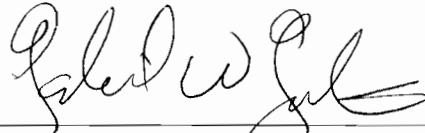
On or before **December 13, 2007** counsel for the respondent is directed to contact the Deputy Clerk Sylvia Gonzalez either by telephone, at (212) 805-4260, or by letter. Counsel for the respondent shall inform the Deputy Clerk whether all parties have consented to the Magistrate Judge conducting the proceedings in this matter. If any party has not consented, counsel for the respondent shall not inform the clerk which of the parties have not consented but shall merely state that there has not been consent by all parties.

In the event that all parties have consented, counsel for the respondent shall mail the signed consent form for filing to: Ms. Sylvia Gonzalez, Chambers of Judge Gabriel W. Gorenstein, 500 Pearl Street, New York, NY 10007.

This Order is not intended to interfere with the parties' right to have a trial and/or any other dispositive proceedings before a United States District Judge. The parties are free to withhold their consent without adverse substantive consequences, although this will prevent the Court's jurisdiction from being exercised by a United States Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent shall not be communicated to any Magistrate Judge or District Judge to whom the case has been assigned.

SO ORDERED

DATED: New York, New York
November 8, 2007

A handwritten signature in black ink, appearing to read 'Gabriel W. Gorenstein', written over a horizontal line.

GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copies to :

Lorraine Maddalo
The Legal Aid Society
Criminal Appeals Bureau
199 Water Street
New York, NY 10038

Lisa Fleishmann
Assistant Attorney General
120 Broadway
New York, NY 10271

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HECTOR SANTANA,

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CONSENT TO PROCEED
BEFORE UNITED STATES
MAGISTRATE JUDGE

07 Civ. 5644 (CM) (GWG)

IT IS HEREBY STIPULATED AND AGREED by and between the parties that:

1. Pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including but not limited to any trial, the entry of a final judgment, and all post-judgment proceedings.

2. Any appeal from a judgment entered in this case will lie to the United States Court of Appeals for the Second Circuit as from any other judgment of the district court pursuant to 28 U.S. 636(c)(3) and Fed. R. Civ. P. 73(c).

AGREED AND CONSENTED TO:

Signature of Petitioner

Lorraine Maddalo
The Legal Aid Society
Criminal Appeals Bureau
199 Water Street
New York, NY 10038

Signature of Attorney for Respondent

Lisa Fleishmann
Assistant Attorney General
120 Broadway
New York, NY 10271

Date: _____

Date: _____

SO ORDERED:

U.S.D.J.